

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

EL JEROME GREEN	§	
VS.	§	CIVIL ACTION NO. 9:18-CV-222
LORIE DAVIS, ET AL.	§	

ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff El Jerome Green, a prisoner previously confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Lorie Davis, John Werner, Warden Harris, Dr. James D. Geddes, Nurse Oneil, Nurse Madl, and Nurse Persinger.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing the claims against defendants Davis, Werner, and Harris as frivolous or for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration of all the pleadings and the relevant case law, the court concludes that the petitioner's objections lack merit. Plaintiff has not shown that defendants Davis, Werner, or Harris were personally involved in his medical


treatment, or that they adopted a deficient policy that was the moving force of a constitutional violation. *Thompkins v. Belt*, 828 F.2d 298, 303-4 (5th Cir. 1987). Therefore, the claims against those defendants should be dismissed.

ORDER

Accordingly, plaintiff's objections (document no. 9) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge (document no. 7) is **ADOPTED**. Defendants Lorie Davis, John Werner, and Warden Harris are **DISMISSED** from this action.

So Ordered and Signed

Sep 10, 2019



Ron Clark, Senior District Judge